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November 6, 2012

**VIA EMAIL**

David G. Jankowski  
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Re: *James R. Glidewell Dental Ceramics, Inc. vs. Keating Dental Arts, Inc.*,  
Case No.: SACV11-01309 DOC (ANx)

Dear David:

Thank you for your letter of yesterday. We are not available on Wednesday. I suggest that we confer on Thursday, November 8, at 3:00 p.m. Please let me know whether that works for you.

In addition to your contemplated motions, we would like to discuss three motions for summary judgment that James R. Glidewell Dental Ceramics, Inc. ("Glidewell") intends to file in this action. Glidewell intends to move for summary judgment or summary adjudication (i) dismissing Keating Dental Arts, Inc.'s ("Keatings") Fourth Counterclaim for Cancellation of Glidewell's registration on the BRUXZIR mark and for an order finding that Glidewell's registered mark BRUXZIR is valid; (ii) dismissing Keating's First Counterclaim and for an order finding that Keating has infringed Glidewell's BRUXZIR mark, and (iii) dismissing Keating's Second and Third Counterclaims for (a) unfair competition under Cal. Bus. & Prof. Code §17200 et seq. and California common law, and (b) misuse of the BRUXZIR mark.

I look forward to receiving your response.

Sincerely,

Snell & Wilmer

Philip J. Graves